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**"PROPOSED AGENDA FOR REQUESTED INTERVIEW"**

Application No.:	09/787,945	Group Art Unit:	2646
Filing Date:	June 26, 2001	Examiner:	Phylesha L. Dabney
Applicant:	Martin Bondo JØRGENSEN		
Title:	A HEARING AID ADAPTED FOR DISCRETE OPERATION		
Attorney Docket:	45900-000569/US		

Examiner Dabney,

We have exchanged several phone calls but have been unable to reach the other in person. Attached to this fax is my proposed bullet-point agenda for my requested telephonic interview. Please review the information below and call me at 703.668.8028 to schedule a time to discuss this material.

Thanks, Daniel Podhajny (Reg. #57,687)

**Proposed Interview Agenda**

- **Drawing Objection** – The Examiner requests that the “microphone/telecoil controlled by the controlling means” be shown in the Figures (See page 2 of the Office Action). However, this feature **is not claimed**. Rather, claim 16 recites “the controlling means are adapted to control a telecoil/microphone operation **mode**” (emphasis added). The mode of operation is a limitation related to the controlling means, not the telecoil/microphone. Accordingly, Applicant submits that the actual telecoil/microphone which would be controlled during a telecoil/microphone operation mode need not be shown in the figures, **because such a structural limitation is not recited**.
- **35 USC 102(b) to Ito** – With regard to this rejection, distinct fundamental differences between Ito and the claimed invention are evident. In particular, Ito is directed to a **wireless headphone**. In contrast, the claims are directed to a **hearing aid**. Hearing devices in general may be considered a “genus” in this case and wireless headphones and hearing aids are each two distinct species within such a genus.
  - **Headphones** are well-known to simply receive an electrical signal (c.g., typically analog, but possibly digital) and to output the received signal as sound from small speakers in proximity to a user's left and/or right ears.
    - **Headphones** do not aid in “hearing”. In fact, they make hearing more difficult because they output sound which makes it harder for a user to hear his/her surroundings.
  - In contrast, **hearing aids**, typically include some type of auditory sensor to receive sounds from the local environment and to amplify these sounds in proximity to the user's left and/or right ears, such that the user's **hearing ability may increase**.
- **35 USC 102(b) to Van Vroenhoven** – Van Vroenhoven, unlike Ito, is directed to a hearing aid. Element 13 of the hearing aid of Van Vroenhoven is an elongated portion which a user may grip to remove the hearing aid from the user's ear. Van Vroenhoven states “[t]he end 20 of the elongated element 13 is mechanically attached to the cover 6 of the housing 4” (See column 3 lines 13 through 15 of Van Vroenhoven). Van Vroenhoven is **silent** regarding adapting the element 13 to be resistance to deflection, or put another way, to be separately deflectable such that the housing itself is not maneuvered out of position if minor force is applied to the element 13. Based on Van Vroenhoven's silence with regard to this feature, Applicant can only assume that, as the user grips or pulls on the element 13, the entirety of the hearing aid is adjusted.
  - Thus, the element 13 does not appear to be capable of any type of deflection “relative to the housing”.